

REMARKS

Claims 1-16 are presently pending in the application. Claims 1 and 8 have been amended, claims 5 and 12 have been cancelled, and claims 17 and 18 have been added. No new matter has been introduced by this Response. Entry and consideration of this Response are respectfully requested.

I. Response to Rejections

Claims 1-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Shimojoh* (U.S. Pat. No. 6,344,914, hereafter *Shimojoh*). In the Office Action, the Examiner alleges that *Shimojoh* discloses each and every element as recited in claims 1-16. Accordingly, to expedite prosecution the Applicant has herein amended independent claims 1 and 8 to more clearly distinguish the present invention from *Shimojoh*.

Independent claims 1 and 8 have been amended to more particularly point out the time aspect of the present invention, which permits quicker compensation of tilting of a spectrum of data signals in an optical data transmission path. Support for the claim changes can be found in paragraphs 0029, 0031 and 0032 of the specification as well as in Fig. 3.

More specifically, the present invention is directed to a method and device for compensating tilting that comprises two unique aspects. First, dependent of the measured change in overall power, a fast control unit regulates the pump power of at least one injected filling light source thus compensating the fast Raman induced tilting. Second, the changed power level of at least one injected filling light source returns slowly to its original state with the filling laser control signal controlling the control signal for tilting the EDFA.

In the Office Action, the Examiner relies on Fig. 12 of *Shimojoh* for maintaining the §102 rejections to claims 1-16. However, the Applicant maintains that claims 1-16, as amended, are clearly distinguishable over Fig. 12 of *Shimojoh*. Specifically, the upper branch in Fig. 12 does not include the newly recited control units of the present invention. Instead, Fig. 12 discloses only one controller 16. Conversely, Fig. 2 of the present invention discloses two control units 13, 14; control unit 14 being faster than the control unit 13.

Moreover, *Shimojoh* appears to be directed to providing a gain equalizer that will sufficiently flatten gain versus wavelength characteristics of an EDFA. Conversely, it is the object of the Applicant's invention to develop a method and a device that permit quicker

compensation of the tilting during the connection or disconnection of channels. To this end, the present invention includes a time aspect, which is not disclosed in the *Shimojoh*. In fact, *Shimojoh* is silent regarding which control units or branches are faster or slower.

In the Office Action (page 5), the Examiner alleges that *Shimojoh* in Fig. 12 discloses a faster branch. The Examiner's conclusions are based on a decreased number of elements in a particular branch (i.e., the lower branch containing element 16). However, the Applicant maintains that the Examiner's conclusions are completely unfounded. After a detailed review of *Shimojoh*, it is the Applicant's contention that a person of ordinary skilled in the art would actually reach the opposite conclusions.

In Fig. 12 of *Shimojoh*, a lower branch with the "pumping LD controller" obviously presents an EDFA gain control unit, which is connected to the EDFA pump sources. Typically, the fast control unit is connected to the filling laser source, whereas the slow control unit is connected to the EDFA pump sources. It is well known in the art that such gain control units work slowly compared to the signal transmission.

Based on the foregoing, independent claims 1 and 8 are now believed to be distinguishable over *Shimojoh*. Likewise, dependent claims 2-7 and 9-18 are also believed to be distinguishable over *Shimojoh* based on their respective dependencies on claims 1 and 8.

II. Conclusion

The Applicant respectfully requests withdrawal of the claim rejections and allowance of the application. If there are any additional fees that are due in connection with this application as a whole, the Commissioner is authorized to deduct those fees from Deposit Account No. 02-1818. If such a deduction is made, please indicate Attorney Docket No. 0112740-278 on the account statement.

Respectfully submitted,

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